THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.1201 of 2004

DATED: 01.08.2007

Between:

Sudarshan International
K.P.V. Peta, Kothapalli Mandal,
East Godavari district, rep. by its
G.S.Raju. .. Petitioner

And

The A.P.E.P.D.C. Ltd., rep. by its Managing Director,
and another. .. Respondents.

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ORDER:

The petitioner herein, which is hatchery unit, seeks to assail the impugned notice dated 06.10.2003, issued by the second respondent calling upon him to make payment towards the shortfall amount, within 15 days from the date of receipt of the notice.

The main grievance of the petitioner is that, on 26.06.2003, the respondents' Corporation made an inspection in their company and thereafter, on their own, they have issued the impugned notice, dated 06.10.2003, calling upon the petitioner to pay Rs.1,03,945-41/- towards excess usage of energy than the contracted load. As such, when the petitioner got issued a representation to the second respondent regarding the impugned notice, there was no action from the second respondent's side, and that without affording it an opportunity, the respondents have disconnected the supply of electricity by which the petitioner unit is facing much hardship and irreparable loss, and hence, it filed this writ petition.

Heard both the counsel.

It is brought to the notice of this Court that when similar writ petitions have come up before this Hon'ble Court, this Hon'ble Court was pleased to dispose of the same holding that the said demand notice was issued without prior show cause notice and without giving

any opportunity to the petitioners, and accordingly, directed the respondents to issue fresh notice calling upon the petitioners to make payment thereof, for which the petitioners can offer their explanations and the respondents can pass appropriate orders after considering the same and after giving an opportunity to the petitioners to explain. In the light of the said order, this Court is of the view that this writ petition can also be disposed of on the same lines.

Accordingly, this writ petition is disposed of with a direction to the respondents to give a detailed fresh notice calling upon the petitioner to make payment thereof, for which the petitioner can file an explanation and the respondents can pass an order after considering the same and after giving an opportunity to the petitioner to explain the same. However, during the said exercise, it is made clear that the respondents shall not take any coercive steps for recovery of the amount. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.01.08.2007

v v